

### **REMARKS**

The Office Action dated October 26, 2009 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Claims 1-31 are currently pending in the application and are respectfully submitted for consideration.

#### ***Claim Rejections Under 35 U.S.C. § 103***

The Office Action rejected claims 1-31 under 35 U.S.C. §103(a) as being unpatentable over Agrawal (U.S. Patent Publication No. 2002/0083127) in view of Sylvain (U.S. Patent Publication No. 2004/0062383). However, as is demonstrated by the enclosed Declaration under 37 C.F.R. § 1.131, Invention Disclosure Report and E-mail Correspondence Record, Sylvain is not prior art with respect to the claimed invention.

The claimed invention, U.S. Patent Application Serial No. 10/530,759, filed on June 23, 2005, is a U.S. National Stage Application of PCT Application No. PCT/IB2002/004388 filed on October 9, 2002. The claimed invention was conceived prior to October 1, 2002, as evidenced by the Invention Disclosure Report enclosed herewith. Further, reasonable diligence was conducted from before October 1, 2002, continuing to the constructive reduction to practice by the filing of PCT Application No. PCT/IB2002/004388 on October 9, 2002, priority of which is properly claimed and perfected in the present application. Such reasonable diligence is evidence by the Email

Correspondence Record enclosed herewith. Accordingly, Sylvain, which was filed on October 1, 2002 and published April 1, 2004, is antedated as provided by the enclosed Declaration under 37 C.F.R. §1.131, and therefore Sylvain is not prior art as to the present application.

Accordingly, Applicants respectfully submit that the rejection is overcome, and respectfully request that this rejection be withdrawn.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Petition for Extension of Time  
Declaration Under 37 C.F.R. §1.131